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No. 72-187

SUPREME COURT, U.S.
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In the Supreme Court of the United States

OCTOBER TERM, A.D. 1972.

SQUARE D COMPANY,

Petitioner,

vs.

JAMES D. HODGSON, Secretary of Labor, UNITED STATES DEPARTMENT OF LABOR,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

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PETITIONER'S REPLY TO MEMORANDUM FOR THE RESPONDENT IN OPPOSITION

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Respondent's memorandum makes reference on page 3 in footnote 2 to the fact that on one particular date, May 1, 1968, there was only one woman in the higher-rated machine operator and assembler jobs. Obviously, the attempt is to imply that the jobs in question were not really made available regardless of sex after March 1, 1966, as we have stated.

The reference is misleading because the situation on any one date cannot tell the story. It is what has happened

over an extended time that is significant. And in that regard, the record shows that by October 22, 1970, 37 women had worked in jobs which, prior to March 1, 1966, were restricted to men.[1]

The record further shows that for the period March, 1966, through May, 1968, there were 475 openings for the machine operator and assembler jobs which, prior to March 1, 1966, were restricted to men.[2] Because of insufficient interest on the part of the women in the plant, Petitioner had to fill 364 of these openings with new hires from outside the plant.[3] Also, for the period June, 1968, through September, 1970, there were 762 more openings for these same machine operator and assembler jobs. Again, because of insufficient interest on the part of women in the plant, Petitioner had to fill 539 of these additional openings with new hires.[4] Not only have the jobs in question been made "available" to women but, as these figures indicate, each and every woman has had literally hundreds of opportunities to obtain such a job. After March 1, 1966, no employee remained in the lower paid grades except by personal choice.

Respectfully submitted,

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[1] Appendix in the Court of Appeals, 649, 658-659.

[2] Appendix in the Court of Appeals, 592-597.

[3] Appendix in the Court of Appeals, 320-321.

[4] Appendix in the Court of Appeals, 647-648.